IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3124 OF 2005

Pyarelal Dayaram Mourya & ors. .. Petitioners
v/s.
The State of Mah.& ors. .. Respondents

Mr.Arvind Wachasunder for petitioners.
Mr.P.G.Sawant, AGP for res.Nos.1, 2, 3 & 6.
Mr. G.D.Uttangale for res.No.4.
Ms.P.A.Purandare for res.No.5.
Mr.Anuj Narula for res.Nos.7 & 8.

CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.

DATED : 10th February 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. This Petition is filed on behalf of some 40 persons who claim to be occupying a hutment colony in an area what is known as Shankar Pada, CTS No.860 situated at Kandivli (West), Mumbai. A scheme is being developed for rehabilitation of the hutment dwellers by respondent No.4-SRA and respondent No.8 is the Society of the slum dwellers and respondent No.7 is the developer. These 40 petitioners submit that they are not being accommodated. Mr.Uttangale appearing for respondent No.4-SRA has taken instructions and has made a statement that from amongst these 40 petitioners, petitioner Nos.1, 10, 13, 14, 15, 16,

17, 20, 22, 23, 25 and 25 together, 31, 32, 33, 34 and 39 i.e. in all 17 of them are held eligible for 16 tenements. Other petitioners are not held to be eligible. As far as these 17 persons are concerned, Mr.Narula appearing for respondent Nos.7 and 8 makes a statement that they will be provided with a temporary alternative accommodation or an appropriate compensation, if they do not want an alternative accommodation. They will, of course, be rehabilitated when the regular building for rehabilitation is ready. As far as the other persons are concerned, as of now, they have no right.

3. Mr.Wachasunder appearing for the petitioners has drawn our attention to some of the documents of the remaining persons, which show that perhaps they may have a case for being considered in the scheme. They may file their appeal / representation to the SRA within ten days and on the appeal / representation being filed, that will be decided within six weeks thereafter. As far as the remaining persons, who are held to be not eligible are concerned, Mr.Narula makes a statement that they will be vacated from their present accommodations only after providing them temporary alternative accommodations and/or

compensation, if they want compensation.

4. Mr.Wachasunder states that in the event of any such temporary alternative accommodations being provided and/or compensation being given, the persons concerned will shift to the alternative accommodations.

5. Petition disposed of in the aforesaid terms.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)